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Book Reviews

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Book Reviews

Charles Dickens as a Legal Historian.
By William S. Holdsworth. New Haven: Yale University Press, 1928.

This volume consists of the addresses delivered in the William L. Storrs Lecture Series, 1927, before the Law School of Yale University.

In these days when men learned in the law are engaged chiefly in the production of treatises on substantive law, it is refreshing to find a jurist of the highest ability ready and willing to wander from the narrow path of scholastic study to the pleasant meadows of legal sport and recreation.

As the worthy successor of Blackstone in the Vinerian professorship at Oxford University, he has made a name for himself by his learned *History of the Common Law*. This book shows us another side of his character and proves beyond question that a professor of the law may indulge himself in literature with equal advantage to the law student and the general reader. This is in every way a charming volume. Probably no writer of fiction of the last century was in a better position than Charles Dickens to speak from first-hand experience with regard to the trial cases in the English courts. No one has better illustrated the inherent greatness and the equally unlimited possibilities of injustice in the administration of the law as it was practiced at that time. We do not fail to recall that Dickens as a constant attendant upon the courts in his capacity as wage earner had frequent opportunities to study curious and interesting developments of character and conduct. The results are found in three of his stories which are particularly emphasized by Professor Holdsworth—*David Copperfield*, in many respects an autobiography; *Bleak House*, and the immortal *Pickwick Papers*. The first was used to emphasize the conditions under which the lawyer

carried on his practice, the buildings occupied by the barristers and solicitors, not to speak of Doctors' Commons. In *Bleak House* we have the interesting tale of procedure in chancery as illustrated by the great case of *Jardyce vs. Jardyce*, with pen pictures of the chancellor sitting as the central sun in the solar system, surrounded by his satellites and dependents. We may not forget the intriguing story of *Lady Dedlock* and its accompaniment in the murder of *Tulkinghorn* the solicitor.

In *Pickwick* we have an illustration of the possibilities of procedure in the common law courts, as illustrated by the sad adventures of Mr. *Pickwick* in his marital entanglements with *Martha Bardell*.

The book can be recommended to law students as a most desirable nightcap if their legal studies result in sleeplessness.

The Elements of Crime (Psycho-social interpretation). By Boris Brasol. Introduction by John H. Wigmore and William A. White. New York: Oxford University Press, 1927.

This is another attempt to deal with the phenomenon of criminality which today occupies an important place in the attention given by the public to modern conditions. We are no longer content with the scholastic interpretation of crime based upon abstract legal formulas, but we are seeking to explain the complex nature of the criminal deed in the light of the latest discoveries of sociology, biology, psychology, anthropology and economics. Criminology today has departed from the traditional path of the classical school that dealt with crime quite apart from the realities of every-day life. We are concerned more with the underlying cause of criminality than with its external manifestations.

The volume is divided into two parts: Part I deals with the examination of the

more important social cases of criminality, while Part II is devoted to the psycho-physical characteristics of the criminal.

This book will be helpful to the student who desires to dig deep into the underlying principles of criminal jurisprudence.

Litigation of Husband and Wife. By Charles M. Jacobs. Philadelphia. Dorrance and Company.

This is an attempt to deal with the rights, duties, obligations and liabilities arising from the relation of husband and wife as defined by custom, the common law and legislative enactments. The introduction to the book is a valuable summary of the historical background of the subject. The book itself is in reality a digest of leading cases dealing with the right of the wife as an agent to act for and on behalf of her husband; nuptial agreements and other contracts between the spouses; of the right of the wife to carry on business in her name; of gifts as between husband and wife; of their right to enter into partnership agreements; of the separate equitable estate of the wife, and the right of the wife to convey property held by her. There is hardly a branch of the law having to do with the marital relations which will not be found to be covered by this book, and it is indeed a valuable guide to the cases on this important subject.

Trade Associations: The Legal Aspects. By Benjamin S. Kirsh. New York: Central Book Company, 1928.

This book represents an attempt to survey the legal aspects and activities of post-war trade associations. It is not intended to be a digest of decided cases, but rather an analysis of the legal aspects of trade associations, policies and practices. The subjects dealt with are considered in relation to the actual economic and business setting of the problems discussed, with a special reference to the growing necessity for co-operative effort in the present day organization of commercial and industrial enterprises.

The book consists, in part, of articles which have already appeared in leading law journals.

A Treatise on Stock Without Par Value. By Cornelius W. Wickersham. Albany, N. Y. Matthew Bender & Company, 1927.

New York State passed the first statute in the United States that permitted the issuance of stock without par value. The financial community and the bar in general were quick to recognize the advantages of the new form of stock; with the result that the New York law was broadened by subsequent legislation and has been adopted by legislatures of no less than thirty-seven states. It is now rather the rule than the exception in the industrial field. Many novel problems have arisen for the consideration of the courts, especially in respect to taxation. This book deals with the decisions of the courts on this topic, is most opportune and will be found quite useful.

Trial of Automobile Accident Cases. By Louis E. Schwartz. Albany, New York: Matthew Bender & Company, 1928.

This is a good book for the trial lawyer. It deals in a detailed and specific way with the questions that arise in the trial of cases of this character. The questions themselves have been selected from actual testimony given at leading automobile accident trials, and includes opinions taken from all jurisdictions in the United States. Particularly, it considers the questions to be put to each witness, the purpose of asking the questions, the points of law involved and the effect of the possible answers. It is a practical book and the attorney having to deal with such cases will find it helpful.

Outlines of Suretyship and Guaranty. By Earl C. Arnold. Chicago: Callaghan & Company, 1927.

This is a modern book on suretyship, and lays emphasis on the new conditions under which fidelity and surety bonds

are now issued. The age that revolutionized transportation has changed entirely the methods of writing surety bonds. Under the old system, when a bond or surety was required, the principal debtor commonly requested a relative or friend to sign with him. Today the corporate surety has become the usual medium through which business of this character is transacted. It is asserted that over \$90,000,000 was paid in 1925 for fidelity and surety bonds. The gratuitous surety is today a negligible factor in modern business. We have to deal today with the compensated surety. The book is significant on account of its emphasis on this new branch of the subject.

Sources of the Constitution of the United States. Considered in relation to Colonial and English history. By C. Ellis Stevens. New York: Macmillan & Co., 1927.

This is an attempt on the part of the author to deal with the constitutional law of the United States, not as a new creation of the founders of our government, but as a statement of principles laboriously worked out in England by long ages of constitutional struggle and which were assented to and adopted by the founders of our government. It is an attempt to base the constitutional history of the United States upon the historical evolution and development of the English speaking people. It is suggestive in the highest degree and will be found helpful to the student of the law.

The Law of Radio Communication. By Stephen Davis. McGraw-Hill Book Company, Inc.: New York, 1927.

Here we are getting our first legal treatise on a brand new subject of the law. The book is inscribed to President-elect Hoover, whose wise guidance in the formative stages of radio communication contributed so greatly to the development of this new service to the American people. The author is the solicitor of the Department of Commerce, and in that capacity has had much to do with the legislative development of

this subject. The author takes up in detail: first, the right to engage in radio communication; second, federal jurisdiction prior to the Act of 1927; then the Radio Act of 1927; the jurisdiction of the different states; conflicting rights in reception and transmission of broadcasting programs, and the doctrines of international law involved.

A Treatise on The Law of Property. By William F. Walsh. Second edition. New York: Baker, Voorhis & Co., 1927.

The purpose of this treatise is to state the law of real property as it exists today in the simplest terms and to outline and explain it in the light of the reasons and principles which are its necessary foundation. It is the contention of the author that the law has not kept step with the modern developments of society; that the principle of *stare decisis*, properly understood, necessarily carries with it, not only the power, but also the duty of the courts to make the law fit current needs in a progressive way. If the courts can realize this fact, much that is obsolete and outgrown will be thrown aside. This doctrine does not call for the perpetuation of error.

Much use has been made of the older books on real property, such as "Digby," "Williams," and "Washburn," and considerable use has been made of Gray's Cases on Property. The book is a good piece of work, well done, and will be found valuable for review purposes by students in the law school.

Real Estate Financing. By Nelson L. North, DeWitt Van Buren and C. Elliott Smith. New York: Prentice-Hall, Inc., 1928.

This book covers substantially the entire field of Real Estate Financing, including the legal and technical phases of the subject. It is a ready reference guide for the use of the real estate broker, lawyer, banker, or title company, and will be found useful by leading institutions of any kind. The book discusses at length actual sources of financing, and outlines the methods of pro-

cedure, laying considerable emphasis upon second mortgages.

There are reproductions of more than fifty forms commonly used in such transactions.

Principles of Business Law. By Essel R. Dillavou and Charles G. Howard. New York: Prentice-Hall, Inc., 1928.

The authors have had two distinct objectives in view in preparing this book; first, a text in which the student and teacher may find a brief statement of the fundamental principles involved; and, second, a selection of cases that will demonstrate how these principles apply in actual practice. A book of this kind, to be valuable, must accomplish two purposes: first, it should acquaint the student with the general principles which are followed in business; and, second, it should train him in the application of these principles to typical business situations.

The authors have, in general, chosen cases which show how the courts have applied principles of business law under peculiar circumstances. In abstracting the cases the facts have been restated, and matter relating merely to procedure has been to a large extent eliminated.

Cases on Domestic Relations. By Joseph Warren Madden. St. Paul: West Publishing Company, 1928.

This book undertakes to present problems of the law of Domestic Relations with only enough historical background to make the current decisions understandable. It is unfortunate that the time available for this course is not in most cases sufficient to permit a comprehensive treatment of the entire subject. In the attempt to compress the material available one is led to wonder whether a wise choice has been made of the cases available.

While there is considerable matter contained in the footnotes, we must again call attention to the absence of anything like a series of hypothetical questions adapted to the use of students and de-

signed to give them an opportunity to test their grasp of the subject and show whether they have mastered the cases in question. Such a series of hypothetical questions may be said to be an indispensable part of every well prepared case book.

Sales Contracts and Forms. New York: Prentice-Hall, Inc., 1928.

This book contains actual reproductions of forms designed for practically all sales purposes. They have been carefully selected from a great number contributed by sales managers throughout the country. They include sales agreements, sales contracts of various kinds, including salary and commission agreements, salary and bonus, forfeiture clauses, and provisions for the termination of the contract. In addition there are forms of salesmen's applications, reports, personal records, and individual correspondence forms. Further, there are forms of agreements relative to territorial rights, trade acceptances, bulk commodity sales, and leases of business property. This should prove a valuable book for the collection lawyer.

Dr. Lesch of U. of C. Addresses Round Table

At the December meeting of the Round Table, Lynden H. Lesch, LL.B., Ph.D., professor of the Law of Trusts and Trust Investments at the University of Chicago, and an alumnus of Chicago-Kent College of Law (Feb. '23), gave us a short introductory talk and then showed six reels of movies of a very interesting trip to the Hawaiian Island group.

Dr. Lesch is a very expert amateur photographer, and took all the views himself. He showed the volcano craters, the mountains and tropical forests, banana and pineapple plantations, views of Honolulu and the old time coronation ceremonies, which were very interesting. We took rides on the speedy surf boards and in the outrigger canoes, which attain a speed of 25 miles an hour coming in through the surf.